

Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address James A. Dumas (SBN 76284) Christian T. Kim (SBN 231017) Dumas & Kim, APC 3435 Wilshire Boulevard, Suite 990 Los Angeles, CA 90010 (t) 213-368-5000 (f) 213-368-5009 ckim@dumas-law.com <input type="checkbox"/> Individual appearing without attorney <input checked="" type="checkbox"/> Attorney for: Chapter 7 trustee, Carolyn A. Dye	FOR COURT USE ONLY
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**UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA - LOS ANGELES DIVISION**

In re: SAM PFEFFERMAN, Debtor(s).	CASE NO.: 2:14-bk-14924-RN CHAPTER: 7 NOTICE OF SALE OF ESTATE PROPERTY
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Sale Date: 12/15/2015	Time: 9:30 am
Location: 255 E. Temple Street, Courtroom 1645, Los Angeles, California 90012	

Type of Sale: ☐ Public ☒ Private **Last date to file objections:** 12/01/2015

Description of property to be sold:

The real property situated in the City of Los Angeles, County of Los Angeles, and commonly described as 360 North Highland Avenue, Los Angeles, California (APN 5524-037-002)

Terms and conditions of sale:

See Notice of Motion attached hereto as Exhibit "A"

Proposed sale price: \$ 1,620,000.00

Overbid procedure (if any):

See Notice of Motion attached hereto as Exhibit "A"

If property is to be sold free and clear of liens or other interests, list date, time and location of hearing:

December 15, 2015 at 9:30 a.m. at 255 E. Temple Street, Courtroom 1645, Los Angeles, California 90012

Contact person for potential bidders (include name, address, telephone, fax and/or email address):

Christian T. Kim
Dumas & Kim, APC
3435 Wilshire Boulevard, Suite 990
Los Angeles, CA 90010
(t) 213-368-5000
(f) 213-368-5009
ckim@dumas-law.com

Date: 11/20/2015

EXHIBIT “A”

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1 James A. Dumas (SBN 76284)
2 Christian T. Kim (SBN 231017)
3 DUMAS & KIM, APC
4 3435 Wilshire Boulevard, Suite 990
5 Los Angeles, California 90010
6 Phone: 213-368-5000
7 Fax: 213-368-5009

8 Attorneys for Chapter 7 Trustee,
9 Carolyn A. Dye

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UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES DIVISION

In re:

SAM PFEFFERMAN,
Debtor.

Case No.: 2:14-bk-14924-RN

[Chapter 7]

**NOTICE OF HEARING ON TRUSTEE'S
MOTION FOR ORDER AUTHORIZING
SALE OF REAL PROPERTY OF THE
ESTATE [360 N. Highland Avenue, Los
Angeles, California 90036] FREE AND
CLEAR OF LIENS AND INTERESTS,
SUBJECT TO HIGHER AND BETTER
OFFERS, AND APPROVING
OVERBIDDING PROCEDURES**

Date: December 15, 2015

Time: 9:30 a.m.

**Place: Roybal Federal Building
255 E. Temple Street, Ctrm 1645
Los Angeles, California 90012**

Judge: Hon. Richard M. Neiter

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1 **TO THE HONORABLE RICHARD M. NEITER, UNITED STATES BANKRUPTCY JUDGE,**
2 **THE UNITED STATES TRUSTEE, AND ALL INTERESTED PARTIES:**

3 PLEASE TAKE NOTICE that the hearing on the Trustee's Motion for Order Authorizing
4 Sale of the real property located at 360 N. Highland Avenue, Los Angeles, California 90036
5 ("Property") free and clear of liens and interests, and subject to higher and better offers, and
6 approving overbidding procedures ("Motion") will be held in Courtroom 1645 before the Honorable
7 Richard M. Neiter, United States Bankruptcy Judge, in the United States Bankruptcy Court located at
8 255 E. Temple Street, Los Angeles, California.

9 The Motion is based on the following:

10 Carolyn A. Dye, ("Trustee") proposes to sell the Property to Morris Maky ("Buyer") for a
11 total consideration of One Million Six Hundred Twenty-Thousand Dollars (\$1,620,000). The estate
12 will pay approximately \$97,200 in sales commissions (6%) and the usual closing costs (estimated at
13 2%). Buyer has paid a total of Forty-Eight Thousand Six Hundred Dollars (\$48,600) as a deposit into
14 escrow. Escrow is scheduled to close within fourteen (14) days of the date on which the order
15 approving the sale of the Property is entered on the Court's docket. The sale is on an "as is - where
16 is" basis and not subject to any contingencies.

17 A. Condition of the Property

18 The sale is on an "as is - where is" basis. The Trustee makes no warranties nor
19 representations of any kind as to the condition of the Property in connection with the sale. The
20 Trustee and Buyer agree to the following conditions:

- 21 1. The Trustee will not undertake to make any repairs, preventative or otherwise.
22 2. The sale is subject to Bankruptcy Court approval which shall necessarily include an
23 overbid process.

24 B. Broker's Commission.

25 Pursuant to the Trustee's listing agreement with Coldwell Banker (the "Brokers"), and subject
26 to Bankruptcy Court approval, Brokers are to receive compensation from the estate of commission
27 equal to a total of three percent (3%) of the gross sales price of the Property. The Buyer's broker, LA
28 Property Management and Brokerage Corporation, shall also be paid the three percent of the gross

1 sales proceeds. Such commission is to be paid only if the sale of the Property is actually
2 consummated and only out of the actual cash proceeds of the sales. The commissions payable will be
3 split as provided in the executed contracts. If a sale is confirmed to an overbidder represented by a
4 different broker, then the proposed commission will be divided between the Trustee's Brokers
5 (Coldwell Banker) and any broker for the successful overbidder. Commissions will be paid through
6 escrow.

7 C. Overbidding Procedures.

8 One of the conditions of the offer is that Trustee must seek approval from the Bankruptcy
9 Court and the sale is subject to overbids. Trustee submits the following terms and conditions for the
10 submission of overbids to purchase the Property at the hearing on the Motion.

11 1. Minimum Overbids. The minimum overbid for the Property shall be \$5,000 above the
12 present offer and any subsequent overbids shall be at least \$5,000 over the preceding offer.

13 2. Minimum Deposits. A minimum deposit of \$48,600 plus the initial overbid of \$5,000,
14 or a total of \$53,600 shall be by cashier's check payable to "Carolyn A. Dye ATF Sam Pfefferman,"
15 and must accompany any overbid offer for the Property with evidence of the ability to close the
16 transaction. In the event the approved Buyer does not close the transaction, the deposit will be non-
17 refundable if the overbid is accepted and the sale does not close within fourteen (14) days of the date
18 on which the Order approving the sale of the Property is entered by the Court.

19 3. Overbidders are requested to submit to the Trustee, not later than 48 hours before the
20 hearing date, a cashier's check for the required deposit and evidence of the ability to close. The
21 Trustee will promptly advise any proposed overbidder of any disapproval of qualifications, giving the
22 overbidder an opportunity to correct the deficiency. The Trustee holds sole discretion in accepting
23 and rejecting all overbids. In any event, the proponent of each overbid must submit, not later than the
24 date and time of the hearing on the sale, a cashier's check for \$53,600 and evidence of the financial
25 ability to close escrow within fourteen (14) days of submission of overbid. This evidence must at a
26 minimum include a demonstration of firm financing commitment from a recognized lender and/or
27 sufficient liquid funds on deposit, all to the satisfaction of the Trustee.

28 4. All overbids for the Property must provide for payment of the entire purchase price at

1 the close of escrow.

2 5. Any overbids shall offer to purchase the Property on a "as-is - where is" basis and
3 shall contain no conditions, contingencies or addendum in addition to those contained in the terms
4 agreed to between Trustee and Buyer and presented to this Court.

5 6. All due diligence investigations shall be conducted prior to the sale hearing.

6 7. At the conclusion of the hearing on the Motion, the Court shall determine the highest
7 and best offer for the Property, and the Trustee shall proceed to consummate the sale of the Property
8 in accordance with such offer to the highest bidder without further notice to creditors or hearing
9 before this Court.

10 8. The overbidder's deposit is non-refundable in the event that the Court confirms the
11 sale but, for any reason whatsoever, the overbidder fails to close the sale timely. The overbidding
12 party will be bound by all of the terms of sale proposed in this Motion) as incorporated by reference
13 in the sales contract) except as to price, without contingencies of any kind, including financing
14 contingencies, and shall close the escrow no more than fourteen (14) days after the entry of the order
15 approving the Motion.

16 9. The Trustee also proposes that the Court confirm a backup buyer so that, in the event
17 that the successful overbidder does not close within fourteen (14) days after the entry of the order
18 approving the Motion, the Trustee may retain the deposit of the original successful buyer as
19 liquidated damages and sell the Property to the back-up buyer for the amount of such backup last bid.

20 10. The Trustee also seeks a ruling that the party to whom the Court confirms the sale and
21 any backup buyers are good faith purchasers for purposes of 11 U.S.C. §363(m).

22
23 You may request a complete copy of the Motion from:

24 Christian T. Kim
25 Dumas & Kim, APC
26 Counsel for the Trustee
27 3435 Wilshire Boulevard, Suite 990
28 Los Angeles, CA 90010

A complete copy of the Motion is also on file with the Clerk of the Court and may be viewed at the

1 United States Bankruptcy Court, 255 E. Temple Street, Room 940, Los Angeles, CA 90012.

2 PLEASE TAKE FURTHER NOTICE that any objection to the Motion or the proposed sale
3 must be made in writing and filed with the Court no later than fourteen (14) days prior to the hearing
4 in conformity with Local Bankruptcy Rule 9013-1(f), and consist of a written statement of all reasons
5 in opposition, an answering Memorandum of Points and Authorities, declarations, and documentary
6 evidence on which the responding party intends to rely.

7 PLEASE TAKE FURTHER NOTICE that pursuant to Local Bankruptcy Rule 9013(h), any
8 objection not timely filed and served may be deemed by the Court to be consent to the relief
9 requested and may result in the Court's issuance of an order without further notice or hearing.

10
11 Dated: November 20, 2015

DUMAS & KIM, APC

12
13 By:  

14 Christian T. Kim, Attorneys for Chapter 7
15 Trustee, Carolyn A. Dye

16 Service Date: November 20, 2015
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In re: Sam Pfefferman.

Main Document Page 6 of 7

CHAPTER: 7

CASE NUMBER: 2:14-bk-14924-RN

Debtor(s).

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is: 3435 Wilshire Blvd., Ste. 990, Los Angeles, CA 90010.

A true and correct copy of the foregoing document entitled (specify): Notice of Trustee's Motion for Order Authorizing Sale of Real Property of the Estate [360 N. Highland Ave., Los Angeles, CA 90036] Free and Clear of Liens and Interests, Subject to Higher and Better Offers, and Approving Overriding Procedures will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (date) November 20, 2015, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Carolyn A Dye (TR) trustee@cadye.com, cdye@ecf.epiqsystems.com;atty@cadye.com
 Jeffrey B Gardner Jeff.Gardner@sbgk.com, mary.do@sbgk.com;laurie.chavez@sbgk.com
 Richard M Moneymaker rmm@moneymakerlaw.com
 Ramesh Singh claims@recoverycorp.com
 United States Trustee (LA) ustpreion16.la.ecf@usdoj.gov
 Christian Kim ckim@dumas-law.com
 James Dumas jdumas@dumas-law.com

☐ Service information continued on attached page

2. **SERVED BY UNITED STATES MAIL:**

On (date) November 20, 2015, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Sam & Lila Pfefferman
 360 N. Highland Avenue
 Los Angeles, CA 90036

☒ Service information continued on attached page

3. **SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served):** Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (date) November 20, 2015, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

United States Bankruptcy Court
 Hon. Richard M. Neiter
 255 E. Temple St., Room 1652
 Los Angeles, CA 90012

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

November 20, 2015

Danielle M. Landeros

/s/ Danielle M. Landeros

Date

Printed Name

Signature

This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.

June 2012

F 9013-3.1.PROOF.SERVICE

Label Matrix for local noticing
0973-2
Case 2:14-bk-14924-RN
Central District of California
Los Angeles
Fri Nov 20 11:33:59 PST 2015

76 Card
P.O. Box 689058
Des Moines, IA 50368-9058

Chevron GECRB
P.O. Box 530950
Atlanta, GA 30353-0950

Fred Fenster, Esq.
Breenberg Glusker, Fields
1900 Avenue of the Stars
Los Angeles, CA 90067-4590

Recovery Management Systems Corporation
25 S.E. 2nd Avenue, Suite 1120
Miami, FL 33131-1605

Steven M. Speirer
c/o Jeffrey B. Gardner
3501 Jamboree Road, Suite 200
Newport Beach, CA 92660-2995

Wells Fargo Card Service
P.O. Box 30086
Los Angeles, CA 90030-0086

Sam Pfeifferman
360 N. Highland Avenue
Los Angeles, CA 90036-2630

Recovery Management Systems Corporation
25 SE 2nd Avenue, Suite 1120
Miami, FL 33131-1605

Andrew Friedman
124 N. La Brea Ave.
Los Angeles, CA 90036-2912

Exxonmobile
Processing Center
Des Moines, IA 50361-0001

LA County Tax Collector
P.O. Box 54018
Los Angeles, CA 90054-0018

Shell
P.O. Box 183018
Columbus, OH 43218-3018

US Bank Home Mortgage
3121 Michelson Drive
5th Floor
Irvine, CA 92612-7673

Carolyn A Dye (TR)
Law Offices of Carolyn Dye
3435 Wilshire Blvd, Suite 990
Los Angeles, CA 90010-1998

Los Angeles Division
255 East Temple Street,
Los Angeles, CA 90012-3332

Capital Recovery V, LLC
c/o Recovery Management Systems Corporat
25 SE 2nd Avenue Suite 1120
Miami FL 33131-1605

FRANCHISE TAX BOARD
BANKRUPTCY SECTION MS A340
PO BOX 2952
SACRAMENTO CA 95812-2952

Los Angeles County Treasurer and Tax Collecto
PO Box 54110,
Los Angeles, CA 90054-0110

Steven M. Speier, Court Appointed Receiver
of Pay Edge, Inc.
c/o Barry, Gardner & Kincannon, APC
2214 Faraday Avenue
Carlsbad, CA 92008-7208

United States Trustee (LA)
915 Wilshire Blvd, Suite 1850
Los Angeles, CA 90017-3560

Richard M Moneymaker
Money maker & Money maker
515 S Figueroa St Ste 1037
Los Angeles, CA 90071-3327

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u) COLDWELL BANKER

(u) Interested Party

End of Label Matrix
Mailable recipients 21
Bypassed recipients 2
Total 23